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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,606	10/20/2000	Robert O. Banker	A-6285	8447
5642	7590	03/21/2005	EXAMINER	
SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAF PARKWAY LAWRENCEVILLE, GA 30044			VU, NGOC K	
		ART UNIT	PAPER NUMBER	
		2611		

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/693,606	BANKER ET AL.	
Examiner	Art Unit		
Ngoc K. Vu	2611		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 January 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-24 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/24/05 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Knudson et al. (US 6,536,041 B1).

Regarding claims 1 and 14, Knudson discloses a method for providing a television menu (see figures 2 & 5) comprising:

receiving an input signal from a user to provide a television menu (user selects sports option 66 from main menu screen 62 to display sports menu 112 via remote control 60 - see figures 2 & 5);

responsive to the input signal, identifying the television service currently being provided to the user (when the user selects sports option 66 from main menu screen 62, "sports" is determined as the current television service to be provided to the client – see figure 2; col. 8, lines 20-38 and col. 10, lines 6-14 and figure 5); and

including a television menu option (e.g., 114-122 – see figure 5) in the television menu (112 – see figure 5), wherein the television menu option (114-122) is selected to be included in the television menu based on the identified television service and the likelihood that the television menu option will be used by the user (from user's selecting the television service "sports", the sports menu 112 is provided including menu option 114-122 such as Today's games, What's on now, Highlights this week, and Scores as shown in figure 5 so that the menu option may be selected by the user from menu 112 – see col. 10, lines 15-29 and figure 5).

Regarding claims **5, 9, 19, 21 and 23**, Knudson discloses a programmable television services client device (48 – see figure 1) that provide television control services, said client device (48) comprising:

memory (53) for storing data (see col. 7, line 9-10 and 21-27 and figure 1); and a processor (within set top box 52 – see figure 1) coupled to said memory that is configured to receive an input signal from a user (e.g., user selects sports option 66 from main menu screen 62 to display sports menu 112 via remote control 60 - see figures 2 & 5), responsive to the input signal, identifying a television service or a type of television channel that is currently being provided to the user (when the user selects sports option 66 from main menu screen 62, "sports" is determined as the current television service to be provided to the client – see figure 2; col. 8, lines 20-38 and col. 10, lines 6-14 and figure 5), provide a television menu (112) containing at least one television menu option (114-122 – see figure 5), wherein the television menu option (114-122) is selected to be included in the television menu based on the identified television service and the likelihood that the television menu option will be used by the user (from user's selecting the television service "sports", the sports menu 112 is provided including menu option 114-122 such as Today's games, What's on now, Highlights this week,

and Scores as shown in figure 5 so that the menu option may be selected by the user from menu 112 – see col. 10, lines 15-29 and figure 5).

Regarding claims **2, 7, 12 and 16**, Knudson further discloses that the service provided is identified by an operating system (e.g., set top box 52 and/or television distribution facility 26 – see col. 7, lines 15-21 and 29-35).

Regarding claims **3, 6, 11 and 17**, Knudson further discloses that the service is identified by information (e.g., program guide data) previously stored in memory (57) (see figure 1; col. 6, lines 59-62).

Regarding claims **4, 8, 13 and 18**, Knudson further discloses that a user input corresponds to a predetermined input signal (e.g., user invokes a menu or program guide to view program guide information, wherein television input signal comprises program guide information – see col. 6, lines 10-67 and figure 6).

Regarding claims **10, 15, 20, 22 and 24**, Knudson further discloses the television service is a television control service (e.g., sports – see figure 5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Examiner  
Art Unit 2611

March 14, 2005